

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10330 of 1999

with

SPECIAL CIVIL APPLICATION No 10333 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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ANUNAY FABRICS PVT. LTD.

Versus

UNION OF INDIA  
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Appearance:

1. Special Civil Application No. 10330 of 1999  
MR PARESH M DAVE for Petitioners  
MR AKSHAY H MEHTA for Respondent No. 1
2. Special Civil ApplicationNo 10333 of 1999  
MR PARESH M DAVE for Petitioners  
MR AKSHAY H MEHTA FOR THE RESPONDENTS

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CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and  
MR.JUSTICE D.P.BUCH  
Date of decision: 29/12/1999

ORAL JUDGEMENT

Rule. Mr. Akshya Mehta, learned Additional Standing counsel appears for the respondents and waives service of Rule. In the facts and circumstances of the case, the matters are taken up for final hearing today.

In these matters, a complaint is made that appeals as well as applications for interim relief were filed and are pending before the appellate authority. Though they are not disposed of. coercive recovery is sought to be effected by the authorities. It was submitted that when no orders are passed on applications for interim relief, the respondent authorities may be restrained from effecting coercive recovery.

Almost in similar cases , in Special civil applications Nos. 264 of 1998 and companion matters, decided by a Division bench of this Court on January 27, 1998, this Court has allowed the petitions and a direction was issued to the respondent authorities to consider and decide applications for interim relief.

For the foregoing reasons, the present petitions also deserve to be allowed and are accordingly allowed. The appellate authority is directed to dispose of the applications for interim relief as expeditiously as possible preferably within four weeks from the receipt of the writ. Till then, no coercive recovery will be effected by the department. Rule is accordingly made absolute. No order as to costs.

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parekh